



15 JUNE 2022

MEDIA RELEASE

ANGUS COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

At a Hearing held on 15 June 2022, Angus Councillor Derek Wann was found by the Standards Commission to have breached the Councillors' Code of Conduct, on the face of it, in respect of comments and posts he made on an anonymous Twitter account named "Lady Whistledown AngusFreeofSNP". However, as Cllr Wann was entitled to enhanced protection of freedom of expression, a formal finding of breach could not be made.

Paul Walker, Convener of the Standards Commission and Chair of the Hearing Panel, said: "The Panel found that Cllr Wann made a number of disrespectful and discourteous comments on the anonymous Twitter account that were directed against both his fellow councillors and members of the public."

"The Panel noted the Respondent advised that he had not intended, and did not consider, that he had been disrespectful. The Panel was of the view, however, that the fact that the Respondent had initially denied being behind the account, and that he had subsequently deleted it, suggested otherwise. The Panel concluded that the only reasonable explanation for the Respondent to have operated the account anonymously was to enable him to indulge in commentary and conduct that he would have otherwise have been prevented from engaging in as an elected politician subject to a Code of Conduct".

At the Hearing, held in Forfar, the Commission's Hearing Panel heard that it was not in dispute that Cllr Wann had operated the Twitter account anonymously until a local newspaper published an article on 23 June 2021 linking him to the account. The Panel heard that Cllr Wann deleted the majority of the posts on the account before the newspaper published a further story the following day reporting that, after further denials, he had admitted that he was behind the account.

The Panel noted that it had only been possible to recover some of the posts published on the account. The Panel found that, in a number of these, Cllr Wann had been disrespectful towards both members of the public and fellow councillors. The Panel determined, therefore, that Cllr Wann's conduct amounted, on the face of it, to a breach of the Code.

The Panel accepted, nevertheless, that Cllr Wann was entitled to the enhanced right to freedom of expression afforded to politicians commenting on matters of public interest, under Article 10 of the European Convention on Human Rights. The Panel found that Cllr Wann's posts and comments were not sufficiently offensive, abusive or gratuitous as to justify a restriction on that enhanced right to freedom of expression, that a finding of a breach of the Code and imposition of a sanction would entail. As such, the Panel concluded overall that a breach of the Code could not be found.

Mr Walker stated that:

“The Panel emphasised that the requirement for councillors to behave in a respectful and courteous manner towards fellow councillors and members of the public is a fundamental requirement of the Code, as it protects the public and also ensures public confidence in the role of an elected member and the council itself not undermined. The Panel confirmed that the requirement for councillors to behave respectfully and courteously applies equally on social media as it does in person. Councillors should not make comments online that they would not otherwise make in person, face to face. The Panel noted that using an anonymous account to be disrespectful and discourteous only served to contribute to poor standards of public debate.”

A full written decision of the Hearing will be issued and published on the Standards Commission’s website within 14 days.

ENDS

NOTES FOR EDITORS

1. Complaints about councillors are made to the Ethical Standards Commissioner (ESC). The Standards Commission and ESC are separate and independent, each with distinct functions. The ESC is responsible for investigating complaints. Following investigation, the ESC will refer its report to the Standards Commission for Scotland for adjudication. Email: info@ethicalstandards.org.uk, <https://www.ethicalstandards.org.uk/> Tel: 0300 011 0550
2. The [Standards Commission for Scotland](#) is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies including in education, environment, health, culture, transport, and justice. The role of the Standards Commission is to encourage high ethical standards in public life; promote and enforce the Codes of Conduct; issue guidance to councils and devolved public bodies and adjudicate on alleged breaches of the Codes of Conduct, applying sanctions where a breach is found.
3. The [Codes of Conduct](#) outline the standards of conduct expected of councillors and members of devolved public bodies. In local authorities, there is one Code of Conduct, approved by Scottish Parliament, which applies to all 1227 councillors elected to Scotland’s 32 Local Authorities.